

Concise Explanatory Statement  
Forklift and Other Powered Industrial Trucks  
May 27, 2004 Public Hearing  
September 14, 2004 Adoption

The forklift and other powered industrial trucks rule, chapter 296-863 WAC, has been rewritten and reorganized for clarity and ease of use for the employer and employees. This will make the requirements easier to read and understand. Requirements pertaining to rough terrain forklift trucks have been updated to reflect criteria of the American Society of Mechanical Engineers. Minimum side railroad track clearance requirements have been increased to equal those stipulated by the Washington Utilities and Transportation Commission.

The department received public comment on the following sections and modified the proposed amendments to these sections as indicated below. All other sections proposed for amendment did not receive comment and are adopted as proposed.

**New Section: WAC 296-863-20020 Protect operators from falling objects.**

**Comment Received:**

Is there a way that it can be clarified that if you're involved in truck unloading that there is an exception? Employers often have problems meeting this because the overhead guard will stop them from down-stacking inside a truck – they can't use the overhead guard.

**Department Response:** Overhead guard removal, except as provided for high lift rider trucks, is not permitted by WISHA or OSHA. WAC 296-863-20020 has been revised to better clarify that the exemption is only applicable to high lift rider trucks. The exemption now reads:

**Exemption:** A high lift rider truck may be operated without the guard, providing all of the following conditions are met:

- Vertical movement of the lifting mechanism is restricted to seventy-two inches (1800 mm) or less from the ground.
- The high lift rider truck will operate only in an area where:
  - The top of a tiered load will not be more than one hundred twenty inches (3000 mm) high.
  - The bottom of a tiered load will not be more than seventy-two inches (1800 mm) high.
  - Only stable loads are handled.
  - The operator is protected from objects falling from high stack areas.

**New Section: WAC 296-863-30010 Inspect your PITs.**

**Comment Received:**

Dealing with preshift inspections... The portion that says PITs will be inspected daily before being put into service and after each shift. Suggest that we look at the possibility of writing that so that the inspection happens at the beginning of each shift. The way it is worded, it makes it sound like the operator that was on the forklift on day shift is going to check it again, and that's extra time and effort for the employer they don't need. The next person in is required to do a preshift. I think it should be worded

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so that the inspection is done at the beginning of the shift – it would make it a whole lot easier on the employer.

**Department Response:** The intent of the proposed rule is to ensure that trucks are inspected between shifts when in continuous (twenty-four hour) operation. Employers may specify how that inspection is best accomplished in their particular operation. A note has been added to WAC 296-863-30010 to better convey this intent. The note says: “You can designate someone on the off-going shift, on-coming shift, or some other person to do the inspection.”

**New Section: WAC 296-863-30015 Meet these requirements when repairing PITs.**

**Comment Received:**

I just want to be sure that battery charge areas are not included in this definition for Class I locations in the definition provided. I’m not sure of the best way to clarify that – but – obviously, you’re going to have forklifts in the battery charge area and there are not going to be properly sealed.

**Department Response:** The definition of a Class I location (areas where flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitable mixtures) is established by OSHA and may not be modified. If flammable gases or vapors are present in a battery charging area the employer must take action to prevent them from reaching explosive or ignitable mixture levels.

**New Section: WAC 296-863-30030 Service liquefied petroleum gas (LPG) fueled PITs safely.**

**Comment Received:**

It says that we need to be 25 feet from the nearest building – 25 feet from any building opening. Is there a way we can clarify here that a powered industrial truck should not be driven up to a propane tank? You need to be 25 feet away from a propane tank. It is common in the workplace to bring the ignition source to a propane tank.

**Department Response:** The requirements for propane tanks used to fuel motor vehicles is covered in **WAC 296-24-47517, Liquefied petroleum gas service stations**. It requires above-ground tanks be protected by crash barriers or by location, and that vehicles are not serviced within 10 feet of the tank. A reference was added to direct users to requirements for LPG gas service stations.

**New Section: WAC 296-863-40005 Protect employees around PITs.**

**Comment Received:**

It says “Make sure you do not allow people under the elevated part of any PIT, whether it is loaded or empty”. And the second part says “to put any part of their body between the uprights of the mast.” I suggest we change that to put any part of their body in the mast area, because most of our deaths and injuries are when we tilt back and we crush the person. The real hazard is not the placing of their body between the

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uprights of the mast but rather between the mast and the overhead guard supports and the dashboard.

**Department Response:** Both OSHA and the WISHA rule clearly prohibit putting any part of the body between the uprights of the mast or outside the running lines of the powered industrial truck.

**New Section: WAC 296-863-40010 Operate PITs safely.**

**Comment Received:**

The requirement is to make sure operators keep PITs under control at all times, including doing all the following: - Drive at a speed that allows the PIT to be stopped safely. Suggest that "and the load be kept stable" be added to that requirement.

**Department Response:** The requirement to drive at a speed that allows the PIT to be stopped safely, and that the load kept stable, is covered in WAC 296-863-40010 (Operate PITs safely) and WAC 296-863-40015 (Make sure PIT loads are carried safely).

**New Section: WAC 296-863-40060 Make sure work platforms and PITs used to lift people meet these requirements.**

**Comment Received:**

It says "Make sure the lift carriage or forks are prevented from tilting by having the control level locked either: Lock in position; or; Install a safety strap to hold it in position. Both those are pretty illogical. I know the OSHA requirements for this rule were written a couple decades ago. The joysticks on newer stand-up forklifts in use today have no way to lock out a tilt device. You hold a button; you pull it. I don't see that the safety straps are going to be effective. I think we'd be better to word this that the operator is not allowed to use the tilt lever when he has a person in an elevated work platform. There are no devices that do this.

**Department Response:** There are a variety of control devices on powered industrial trucks that have been manufactured over the years. The intent of the requirement is to take measures to prevent the inadvertent tilting of the lifting carriage or forks when a person is working on an elevated platform. To better convey this intent, WAC 296-863-40060 has been modified as follows:

Make sure the lifting carriage or forks are prevented from tilting.

Note: Examples of how this may be accomplished are the use of:

- A control lever that prevents the inadvertent movement; or,
- Use of a strap or other device to hold the control lever in position.

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**New Section: WAC 296-843-200 Design, construction, and equipment.**

**Comment Received:**

The summary lists the employer's responsibility is "to make sure PITs are designed, constructed, and equipped". It also says that the employer must "make sure the PITs meet design and construction requirements." It sounds like the company that purchases the product have to know everything about the design and construction specifications and requirements before a bid is sent out for new equipment. Could you give us a reference to assist us in identifying the design, construction and equipment requirements for each powered industrial truck that we may need?

**Department Response:** The employer must determine the environment in which the forklift will be operated. Once the environment is known, the employer may consult the appropriate American National Standards Institute (ANSI) publications for powered industrial trucks. WAC 296-863-200 includes specific references to ANSI, depending on the date of manufacturer. Forklifts currently in use will normally have either a nameplate on the truck or a reference in the instruction manual, indicating that the PIT meets the requirement of the appropriate ANSI standard. If in doubt, employers may check with the manufacturer.